

(3) Whenever a contract is to be terminated before the termination date, if any, specified therein, the filing carrier must advise the Commission not more than 180 days after such termination. If the contract is terminated through unilateral action provided for therein, the filing carrier must file a notice announcing such termination; if the termination results from an agreement among the parties, an amendment must be filed to implement such termination.

(e) *Application for relief from requirements of paragraphs (a), (b), (c) or (d) of this section.* (1) Application for relief from one or more of the requirements of paragraphs (a), (b), (c) or (d) of this section shall be submitted to the Suspension/Special Permission Board.

(2) They shall be accompanied by appropriate filing fee (see 49 CFR part 1002), and marked "Special Contract/Summary Authority Application."

(3) Applications must explain and justify the relief sought.

(4) An original and one copy of applications concerning contract summary filings must be filed. Only an original need be filed in the case of applications concerning confidential contract filings.

(5) The applications will be decided by the Suspension/Special Permission Board with appeals available under 49 CFR 1118.4.

[53 FR 5380, Feb. 24, 1988, as amended at 55 FR 157, Jan. 3, 1990; 56 FR 58320, Nov. 19, 1991; 57 FR 40622, Sept. 4, 1992; 58 FR 7756, Feb. 9, 1993]

§ 1313.8 Contract and contract summary availability.

(a)(1) Except as provided in paragraph (a)(2) of this section, the contract filed under these rules shall not be available to persons other than the parties to the contract and authorized Commission personnel, except by informal discovery under 49 CFR 1313.14 and/or by Commission decision.

(2) A contract and its summary filed under 49 U.S.C. 10713 may be labeled "nonconfidential." Such a designation will permit the general public to inspect the entire contract.

(b)(1) The contract summary filed under these rules shall be available

from the Commission's Bureau of Traffic and Contract Advisory Service.

(2) The contract summary filed under these rules shall not be required to be posted in any stations, but shall be made available upon reasonable request from the carriers participating in the contract.

§ 1313.9 Formats for initial and amended contract summaries.

(a) The contract summary must enumerate and have each item completed. When the item does not pertain to the contract, the term "Not Applicable" ("NA") shall be used.

(b)(1) Changes in prior contract summaries must be underscored and must be followed by the words "addition," "deletion," "extension," "cancellation," or other appropriate descriptive phrase in parentheses. If the change to the contract is only in confidential matter, a statement to that effect must be made in the amended contract summary and must indicate the particular feature to which the change applies (i.e., rate, special feature, etc.). If "not applicable" is permitted in the original summary under §§ 1313.10-1313.12, the amended summary may use "not applicable" with a notation that a change pertained only to confidential data.

(2) Amended contract summaries filed under this provision may not substitute phrases such as "not applicable" or "no change" where disclosure was required in the original contract (such as in the commodity description); amended contract summaries must set forth all non-confidential terms in the contract, whether amended or not.

(3) An amendment that shortens the life of a contract must be publicized in a contract summary for the amendment.

§ 1313.10 Contract summary content—agricultural commodities.

(a) Contract summaries for agricultural commodities (excluding forest products and paper) must contain the following information which includes that required to be disclosed under 49 U.S.C. 10713(b)(2)(A). These requirements also apply to amended contract summaries.